

1 BILL NO. G-80-07-30 (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 26-80

3
4 AN ORDINANCE amending the Thoroughfare Plan
5 of the City Comprehensive ("Master") Plan by
6 vacating a portion of an alley.

7 WHEREAS, (1) a petition to vacate a portion of an alley (as more
8 specifically described below) was duly filed with the City Plan Commission;
9 and (2) said Commission duly held a public hearing thereof; and (3) said
10 Commission has duly forwarded its recommendation thereon to this body
11 approving said petition, all in accordance with I.C. 18-7-4-512; and

12 WHEREAS, this body concurs in the recommendation of the City Plan
13 Commission:

14 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
15 INDIANA:

16 SECTION 1. That the Thoroughfare Plan of the City Comprehensive
17 ("Master") Plan, as set forth in General Ordinance No. G-97 adopted November
18 26, 1973, as amended, is amended by vacating:

19 An alley running south from Rose Lane
20 which runs parallel to and west of
21 Hoagland Avenue, said alley being between
22 Lots 12 and 13, in Rose Lane Addition,
23 said alley to be vacated from Rose Lane
24 South to the South line of Lot 8 of
25 Burrow's Subdivision.

26 Also, that portion of the alley commencing
27 at the Southwest corner of Lot 8 in Burrow's
28 Subdivision; thence East a distance of 24.5 feet;
29 thence South a distance of 25 feet to the
30 Northwest corner of Lot 1 in F.B. Taylor's
31 Subdivision; thence West a distance of 36.5 feet;
32 thence North a distance of 25 feet; thence East
a distance of 12 feet to the place of beginning.

SECTION 2. After passage, approval by the Mayor and legal
publication of this ordinance, the City Clerk shall prepare and transmit a
certified copy of it to the Board of Public Works.

SECTION 3. That by reason of the foregoing, said petitioner(s) for
such vacation may now proceed before the Fort Wayne Board of Public Works,
under I.C. 18-1-6-15, Fifth, for an administrative order and an assessment
or benefits and damages to affected property owners, or before the Allen

Circuit or Superior Courts under I.C. 18-2-16-44, for a judicial decree and an assessment or benefits and damages to affected property owners.

SECTION 4. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

COUNCILMEMBER

APPROVED AS TO FORM AND
LEGALITY

JOHN E. HOFFMAN
City Attorney

3
4 AN ORDINANCE amending the Thoroughfare Plan
5 of the City Comprehensive ("Master") Plan by
6 vacating a portion of an alley.

7 WHEREAS, (1) a petition to vacate a portion of an alley (as more
8 specifically described below) was duly filed with the City Plan Commission;
9 and (2) said Commission duly held a public hearing thereon; and (3) said
10 Commission has duly forwarded its recommendation thereon to this body ap-
11 proving said petition, all in accordance with I.C. 18-7-4-512; and

12 WHEREAS, this body concurs in the recommendation of the City Plan
13 Commission:

14 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
15 INDIANA:

16 SECTION 1. That the Thoroughfare Plan of the City Comprehensive
17 ("Master") Plan, as set forth in General Ordinance No. G-97 adopted November
18 26, 1963, as amended, is amended by vacating:

19 An Alley running south from Rose Lane
20 which runs parallel to and west of
21 Oakland Avenue, said alley being between
22 Lots 12 and 13, in Rose Lane Addition,
said alley to be vacated from Rose Lane
South to the South line of Lot 8 of
Burrow's Subdivision.

23 Also, that portion of the alley com-
24 mencing at the Southwest corner of
Lot 8 in Burrow's Subdivision; thence
25 East a distance of 24.5 feet; thence
South a distance of 25 feet to the
26 Northwest corner of Lot 1 in F.B.
Taylor's Subdivision; thence West a
27 distance of 36.5 feet; thence North a
distance of 25 feet; thence East a dis-
28 tance of 12 feet to the place of beginning.

29 SECTION 2. After passage, approval by the Mayor and legal publication
30 of this ordinance, the City Clerk shall prepare and transmit a certified
31 copy of it to the Board of Public Works.


32 SECTION 3. That by reason of the foregoing, said petitioner(s) for
such vacation may now proceed before the Fort Wayne Board of Public Works,

under I.C. 18-1-6-15, Fifth, for an administrative order and an assessment or benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-2-16-44, for a judicial decree and an assessment or benefits and damages to affected property owners.

SECTION 4. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.


COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY JULY 18, 1980.


JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Eustace, seconded by Stur, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 7-22-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eustace, seconded by Stur, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 12-23-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-26-80 on the 23rd day of December, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Virian J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of December, 1980, at the hour of 10:00 o'clock A M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of December 1980, at the hour of 11 o'clock A M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

166 '23 Dec
BILL NO. G-80-07-30 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master)" Plan by vacating a portion of an alley

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

Ben Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

23
DATE 12/9/80 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

70-71-19 H.L.
12/10/80

RESOLUTION NO. 70-71-19

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An alley running south from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Land Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F.B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held December 10, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10 DAY OF December 19 80

FORT WAYNE BOARD OF PUBLIC WORKS

Mark Akers
Mark Akers, Chairman

Roberta Anderson-Staten
Roberta Anderson-Staten, Member

Herbert Gamache, Member

RESOLUTION

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An alley running South from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Land Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F.B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

all in accordance with the term of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 25, 1980, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Joyce Schlatter, Secretary to the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 25, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF December 19 80

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter

Joyce Schlatter
Secretary

10-11-19 H.I.
12/10/80

RESOLUTION NO. 70-71-19

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An alley running south from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Land Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F.B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN) SS:

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held December 10, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10th DAY OF December 19 80

FORT WAYNE BOARD OF PUBLIC WORKS

Mark Akers
Mark Akers, Chairman

Roberta Anderson-Staten
Roberta Anderson-Staten, Member

Herbert Gamache, Member

RESOLUTION

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An alley running South from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Land Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F.B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

all in accordance with the term of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 25, 1980, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana:

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Joyce Schlatter, Secretary to the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 25, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF December 19 80

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter

Joyce Schlatter
Secretary

R E S O L U T I O N

WHEREAS, ZION LUTHERAN CHURCH, 2313 South Hanna Street, in the City of Fort Wayne, Allen County, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County to-wit:

"The West One Hundred Sixty Five (165) feet of the first alley south of Creighton Avenue lying between Hanna Street and Weisser Park Avenue"

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on
and at such hearing there were no objections of any kind or character which
should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described and be the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held _____ and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3 DAY OF December 19 80

FORT WAYNE CITY PLAN COMMISSION

W. Jace Schlatter

Secretary

12/10/80

WHEREAS, ZION LUTHERAN CHURCH, 2313 South Hanna Street, in the City of Fort Wayne, Allen County, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County to-wit:

"The West One Hundred Sixty Five (165) feet of the first alley south of Creighton Avenue lying between Hanna Street and Weissner Park Avenue"

all inaccordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-6-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held December 10, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10th DAY OF Dec. 1980

FORT WAYNE BOARD OF PUBLIC WORKS

Chairman

Member

Member



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 December 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held August 25, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-80-07-30
2. Intended Use: The vacation of this alley will allow the expansion of recreational facilities for Fairfield Junior High School.
3. Plan Commission Recommendation: DO PASS with condition.
 1. Subject to all necessary utility easements be dedicated.

NOTE: All easements required have been received, A copy of the easements is attached to the original ordinance and on file in the Plan Commission Office.

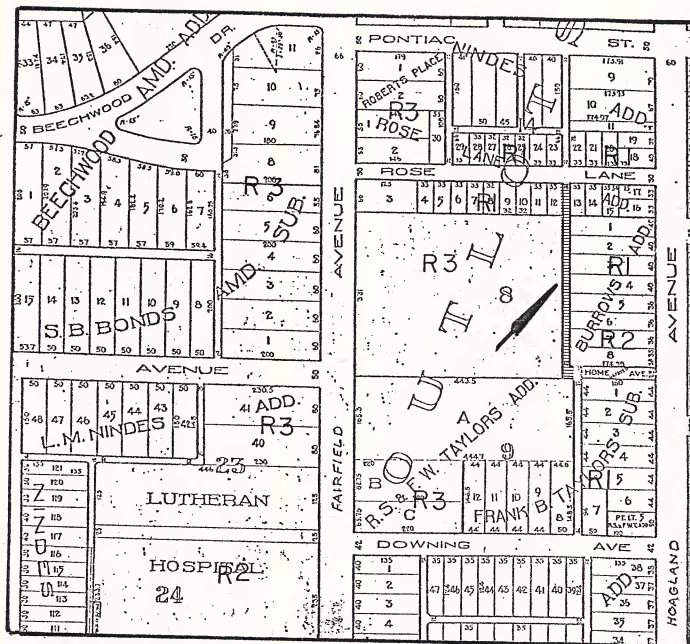
If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten
Senior Planner

GFB:pb



PORTION OF ALLEY TO BE VACATED

Map No. L-7

6-80-07-30

RECEIPT

Date 13 Sept 19 79 No. 10855

Received From

Address

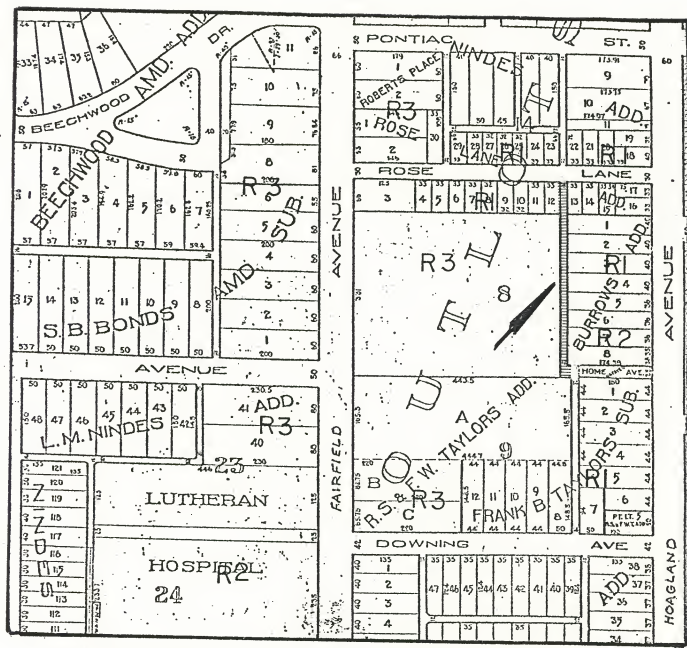
Barrett, Barrett & McNamara3rd floor Lincoln Bankone hundred fifty Dollars \$ 150.00

For

3 - alley valuations

ACCOUNT			HOW PAID			By <u>[Signature]</u>
AMT. OF ACCOUNT			CASH			
AMT. PAID			CHECK			
BALANCE DUE			MONEY ORDER			

OK
38972



PORTION OF ALLEY TO BE VACATED

Map No. L-7

G-80-07-30

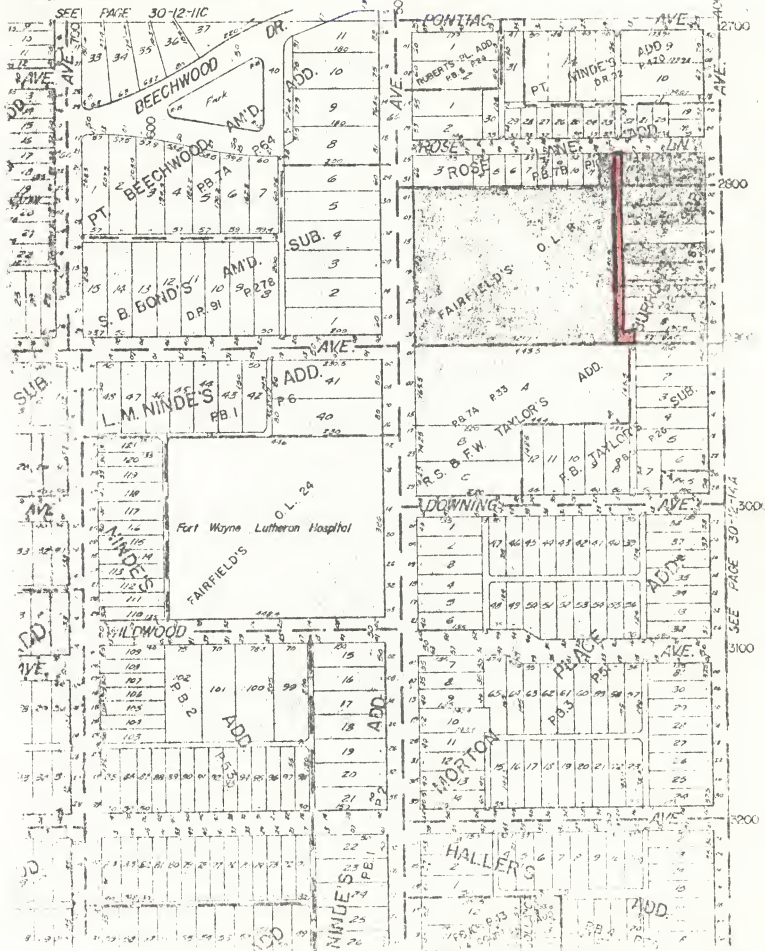


IF FORT WAYNE

EXHIBIT "A"

SEC. 14 WAYNE TWP.

TO 1 INCH TOWN R. 12 E. OF THE 2nd PM.



REVISED LEGAL DESCRIPTION

An Alley running south from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Lane Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the Southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F. B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

GRANT OF EASEMENT

Fort Wayne Community Schools, an Indiana School Corporation, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the City of Fort Wayne, Indiana, an easement for ingress and egress in, over, upon and across the following described real estate of the Grantor in the City of Fort Wayne, Allen County, Indiana:

Commencing at the intersection of the north line of Lot 1, F.B. Taylor Subdivision, thence northerly along the westerly line of Hoagland Avenue, a distance of 32 feet, to the place of beginning; thence west 164 feet; thence south 14 feet; thence east 164 feet; thence north along the westerly line of Hoagland Avenue, 14 feet to the place of beginning.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 27th day of March, 1980.

FORT WAYNE COMMUNITY SCHOOLS,
an Indiana School Corporation

By Lester L. Grile
LESTER L. GRILE
Superintendent of Schools

1980 OCT 31 AM 11:00
ALLEN COUNTY RECORDER
Virginia L. Young

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN

Before me, a notary public for this county and state, personally appeared Lester L. Grile, known to me to be the Superintendent of Schools of the Fort Wayne Community Schools, an Indiana School Corporation, and acknowledged his execution of this instrument by due and regular corporate authority as the free act and deed of said corporation.

E. Jean Brumbaugh
Notary Public - E. Jean Brumbaugh

My Commission Expires:

12-26-81

My County of Residence:

Allen

DULY ENTERED FOR TAXATION

OCT 31 1980

Glenn J. Gorglein
AUDITOR OF ALLEN COUNTY

This Instrument Prepared by Wayne L. Witmer, Attorney at Law

GRANT OF EASEMENT

Fort Wayne Community Schools, an Indiana School Corporation, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the City of Fort Wayne, Indiana, Fort Wayne Cablevision, Inc., Indiana & Michigan Electric Company, and General Telephone Company, an easement for utility lines, pipes, wires, and other necessary facilities, in, over, upon and across the following-described real estate of the Grantor in the City of Fort Wayne, Allen County, Indiana:

An Alley running south from Rose Lane which runs parallel to and west of Hoagland Avenue, said alley being between Lots 12 and 13, in Rose Lane Addition, said alley to be vacated from Rose Lane South to the South line of Lot 8 of Burrow's Subdivision.

Also, that portion of the alley commencing at the Southwest corner of Lot 8 in Burrow's Subdivision; thence East a distance of 24.5 feet; thence South a distance of 25 feet to the Northwest corner of Lot 1 in F. B. Taylor's Subdivision; thence West a distance of 36.5 feet; thence North a distance of 25 feet; thence East a distance of 12 feet to the place of beginning.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 21st day of October, 1980.

FORT WAYNE COMMUNITY SCHOOLS,
an Indiana School Corporation

By William C. Anthis
William C. Anthis
Superintendent of Schools

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public for this county and state, personally appeared William C. Anthis, known to me to be the Superintendent of Schools of the Fort Wayne Community Schools, an Indiana School Corporation, and acknowledged his execution of this instrument by due and regular corporate authority as the free act and deed of said corporation.

E. Jean Brumbaugh
Notary Public E. JEAN BRUMBAUGH

My Commission Expires:

12-26-81

My County of Residence:

Allen

DULY ENTERED FOR TAXATION

OCT 31 1980

Glenn J. Gagliardi
AUDITOR OF ALLEN COUNTY

This instrument prepared by Wayne L. Witmer, Attorney at Law.

1980 OCT 31 AM 11:01
ALLEN COUNTY RECORDER
William C. Anthis

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned Petitioner, Fort Wayne Community Schools, an Indiana school corporation, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of alley within the City of Fort Wayne, Indiana, and hereby described as follows:

SEE ATTACHED FOR CORRECT LEGAL DESCRIPTION

~~An alley running South from Rose Lane which runs parallel to and West of Hoagland Avenue, said alley being between Lots 12 and 13 in Rose Lane Addition, said alley to be vacated from Rose Lane South to the South line of Fairfield's Out Lot Number 8 and the vacated street running East therefrom, more particularly described and shown on attached Exhibit "A."~~

In support thereof, your Petitioner would represent as follows:

1. That it is the owner of the real estate abutting both sides of the alley.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that the said vacation would be in the best interest of the City and the citizens thereof.

Your Petitioner files this petition pursuant to authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your Petitioner prays that the above described alley be vacated according to the provisions of Indiana Law pertaining thereto.

DATED THIS 13th DAY OF September, 1979.

FORT WAYNE COMMUNITY SCHOOLS
1230 South Clinton Street
Fort Wayne, Indiana 46802

By Wayne E. Witmer
Wayne E. Witmer, Attorney
395 Lincoln Bank Tower
Fort Wayne, Indiana 46802
Telephone: (219) 423-9551



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 December 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held November 24, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

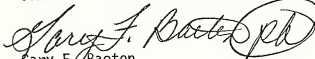
1. Bill No. G-80-10-52
2. Intended Use: Alley was part of Zion Lutheran Church parking lot. Church wanted it eliminated for safety purposes.
3. Plan Commission Recommendation: DO PASS
 1. Subject to dedication of all necessary easements.

NOTE: All easements required have been received. A copy of the easements is attached to the original ordinance and on file in the Plan Commission Office.

If there are any questions with regard to this ordinance, please feel free to call on us.

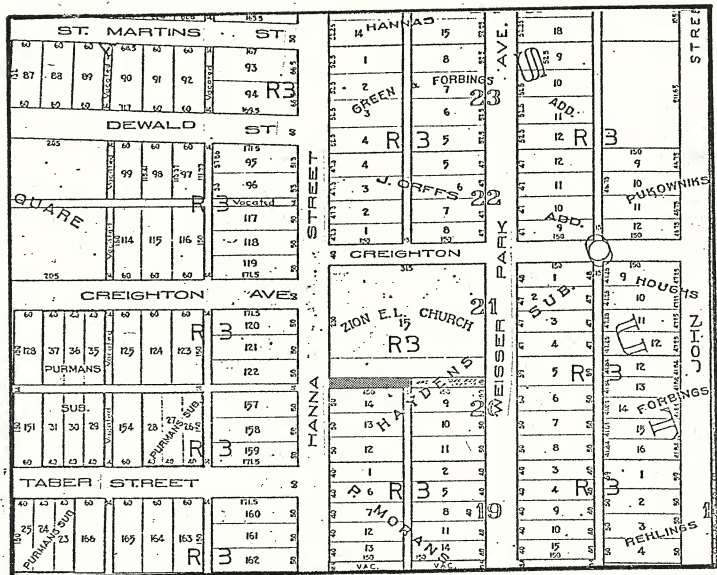
Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments



PORTION OF ALLEY TO BE VACATED

Map No. N-3

6-80-10-52

N

1876

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance*(has amended)*
2-80-07-30DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE An alley running South from Rose Lane which runs parallel to and West of Hoagland Avenue, said alley being between Lots 12 & 13 in Rose Land Addition, said alley to be vacated from Rose Lane South to the South Line of Fairfield's Out Lot Number 8 and vacated street running East therefrom except the 14' lying West of the vacated Home Avenue.

EFFECT OF PASSAGE Property is now public right-of-way. Property will be closed as public right-of-way and revert to the use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.)

Regulations



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -- Room 122

December 30, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of January 3 and January 10, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common
Council of Fort Wayne, IN

Bill No. G-80-07-30
(as amended)
General Ordinance No. G-26-80

Bill No. G-80-10-52
General Ordinance No. G-27-80

Please send us eight (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Westerman".

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 23rd day of December, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-07-30 (AS AMENDED) -- General Ordinance No. G-26-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley.

Notice is hereby given that on the 23rd day of December, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-10-52 -- General Ordinance No. G-27-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-07-30 (as amended) -- General Ordinance No. G-26-80 and Bill No. G-80-10-52 -- General Ordinance No. G-27-80, were passed by the Common Council on the 23rd day of December, said Ordinances were duly signed and approved by the Mayor on the 29th day of December, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-80-07-30 (as amended) -- General Ordinance No. G-26-80 and Bill No. G-80-10-52 -- General Ordinance No. G-27-80, will be posted for reading in the following places in Fort Wayne Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-80-07-30 (as amended) -- General Ordinance No. G-26-80 and Bill No. G-80-10-52 -- General Ordinance No. G-27-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the Main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, IN

Charles W. Westerman
Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on January 3, 1981.

Charles W. Westerman
Charles W. Westerman, City Clerk

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

County, Ind.

LINE COUNT

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Total number of lines in notice

COMPUTATION OF CHARGES

70 lines, 1 column wide equals 70 equivalent lines at .276¢ \$ 19.32
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM.

\$ 22.32

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions2.....

Size of quad upon which type is cast.....⁶

Notice is hereby given that on the 15th day of January, 1967, the following parties of Ch. 89., Acts 1967.

Notice is hereby given that on the 23rd day of December, 1960, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80 07-30 (AS AMENDED) - General Ordinance No. G-26-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley.

count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Penelope D. Steld

Notice is hereby given that on the 23rd day of December, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-10-52 — General Ordinance No. G-27-80, being an ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. G-89-0730 (as amended), General Ordinance No. G-26-80 and Bill No. G-89-10-52, General Ordinance No. G-27-80, as passed by the Common Council on the 23rd day of December, said Ordinances were duly signed and approved by the Mayor on the 29th day of December, 1980, and now remains in full force and effect.

Copies of Bill No. G-80-07-30 (as amended) — General Ordinance No. G-26-80 and Bill No. G-80 10 52 — General Ordinance No. G 27-80, will be posted for reading in the following places in Fort Wayne Allen County, Indiana.

(1) The main floor lobby of the City County Building.

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

Copies of Bill No. G-80-0730 (as amended) — General Ordinance No. G-26 80 and Bill No. G-80 10 52 — General Ordinance No. G-27-80, will be available for reading in the following places in Fort Wayne, Allen County.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, IN.

Charles W. Westerman, City Clerk
1. Charles W. Westerman, Clerk of
the City of Fort Wayne, Indiana fu-
lfilled and posted the above ordi-
nances in the designated places as
stated on January 3, 1981.
Charles W. Westerman, City Clerk
1-3-10

Agnes De Kald

Title.....CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILA DEWALD, who, being duly sworn, says that she is, CLERK of the

JOURNAL-GAZETTE

2. DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA
town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....two times....., the dates of publication being as follows:

1/3/81 - 1/10/81

Subscribed and sworn to before me this 10th day of January 1981

My commission expires September 28, 1983

Notary Public

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To **JOURNAL-GAZETTE** Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

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Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

70 lines, 1 column wide equals 70 equivalent lines at .276¢ \$ 19.32
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast.....⁶.....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Aguiar, De Kald

Date Jan. 10 19 81

Title.....CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

DAILY

DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA
town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

1/3/81 - 1/10/81

Subscribed and sworn to before me this 10th day of January 1981

My commission expires September 28, 1983

[illegible]

Aswell De Kald

Notary Public

Fort Wayne Common CouncilTo..... **NEWS-SENTINEL**Dr.

(Governmental Unit)

Allen

County, Ind

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

69

Body number of lines

1

Tail number of lines

70

Total number of lines in notice

COMPUTATION OF CHARGES

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TOTAL AMOUNT OF CLAIM.

\$ 22.32**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type.....**6**.....pointNumber of insertions.....**2**.....Size of quad upon which type is cast.....**6**.....

P.....ties of Ch. 89., Acts 1967.

Notice is hereby given that on the 23rd day of December, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-07-30 (AS AMENDED) — General Ordinance No. G-26-80 being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley.

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1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-07-30 (as amended) — General Ordinance No. G-26-80 and Bill No. G-80-10-52 — General Ordinance No. G-27-80, were passed by the Common Council on the 23rd day of December, said Ordinances were duly signed and approved by the Mayor on the 29th day of December, 1980, and now remain on file and on record in my office.

Copies of Bill No. G-80-07-30 (as amended) — General Ordinance No. G-26-80 and Bill No. G-80-10-52 — General Ordinance No. G-27-80, will be posted for reading in the following places in Fort Wayne Allen County, Indiana:

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Charles W. Westerman, City Clerk of the City of Fort Wayne, Indiana do hereby certify that the above ordinances in the designated places as stated on January 3, 1981.

Charles W. Westerman, City Clerk
1-3-81

account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

*D. Rose*Title..... **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, **D. ROOSE** who, being duly sworn, says that she is..... **CLERK** of the

NEWS-SENTINEL

a..... **DAILY** newspaper of general circulation printed and published in the English language in the city of..... **FORT WAYNE, INDIANA** town of.....

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for..... **two times** the dates of publication being as follows:

1/3/81 - 1/10/81

Subscribed and sworn to before me this

10th

day of

January**81****September 28, 1983**

My commission expires.....

Notary Public

Fort Wayne Common Council

To NEWS-SENTINEL Dr.

(Governmental Unit)

Allen

County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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6 extra **3.00**

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TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

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Size of type **6** point

Number of insertions **2**

Size of quad upon which type is cast **6**

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roosa

Date **Jan. 10** 19 **81**

Title **CLERK**

Form **903**

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **D. ROOSE** who, being duly sworn, says that she is **CLERK** of the

NEWS-SENTINEL

DAILY

a **NEWS-SENTINEL** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows: **1/3/81 - 1/10/81**

Subscribed and sworn to before me this

10th day of **January** 19 **81**

September 28, 1983

My commission expires

Notary Public

NOTE: The main room lobby of the City County Building.
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.
(3) The bulletin board in the lobby of the East door of the Allen County Court House.
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Charles W. Westerman, City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above ordinance in the designated places as stated on January 3, 1981.
Charles W. Westerman, City Clerk
1-3-10